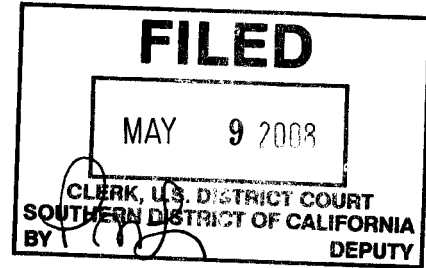


KAREN P. HEWITT
 United States Attorney
 STEWART M. YOUNG
 Assistant U.S. Attorney
 California State Bar No. 234889
 Federal Office Building
 880 Front Street, Room 6293
 San Diego, California 92101-8893
 Telephone: (619) 557-6228



Attorneys for Plaintiff
 United States of America

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
 Plaintiff,
 v.

ERICK MELO-SAMPER HERAS (D2),
 Defendant.

Criminal Case No. 07-CR-3356-L

DECLARATION OF ERICK HERAS DE
 MELO-SAMPER (D2) EXONERATING
 GUADALUPE HERAS DE MELO-
 SAMPER (D1)

DECLARATION

I, Erick Melo-Samper Heras, hereby declare as follows:

1. On or about December 27, 2007, I knowingly and intentionally was the driver of a 2003 Mitsubishi Montero bearing California license plate number 5PUK061 (the "vehicle"), which was driven from Mexico into the United States through the San Ysidro, California, Port of Entry (San Ysidro POE).
2. At the time the vehicle described above entered the United States through the San Ysidro POE, concealed within the vehicle was approximately 26.90 kilograms/ 59.90 pounds of cocaine, a Schedule II controlled substance.

EMSH

- 1 3. At the time I knowingly and intentionally drove the vehicle described above, which entered
2 into the United States through the San Ysidro POE, I knew that the vehicle contained
3 approximately 26.90 kilograms/ 59.90 pounds of cocaine, or some other prohibited drug.
- 4 4. At the time I knowingly and intentionally drove the vehicle described above, which entered
5 into the United States through the San Ysidro POE, Guadalupe Heras De Melo-Samper
6 (D1) was a passenger in the vehicle. She had no knowledge of the cocaine or any other
7 prohibited drugs concealed within the vehicle.
- 8 5. I have informed the Government that I will plead guilty to one count of the Indictment
9 charging me with knowingly and intentionally importing ^{EMSH} 50 kilograms and more; to wit,
10 approximately 26.90 kilograms/ 59.90 pounds of cocaine, ^{DIS} a Schedule II controlled
11 substance, into the United States from a place outside thereof, on or about December 27,
12 2007, within the Southern District of California, in violation of 21 U.S.C. §§ 952 and 960.
- 13 6. If I do not plead guilty to the charge set forth above, for any reason, or thereafter withdraw
14 my guilty plea to that charge, I agree that in any proceeding, including, but not limited to,
15 motion hearings, trial, sentencing, appeal, or collateral attack, that the stipulated facts set
16 forth in paragraphs 1-5 shall be admitted as substantive evidence.
- 17 7. By signing this declaration, I certify that I have read it (or that it has been read to me in my
18 native language) and that I have discussed the terms of this declaration with defense
19 counsel and fully understand its meaning and effect.

20 I declare under penalty of perjury that the foregoing is true and correct.

21
22 Dated: 5/8/08

23 
ERICK MELO-SAMPER HERAS
24
25
26
27
28